

FILEDUNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUITFEB 15 2008
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

RICK P. SMITH,

Plaintiff - Appellant,
v.

J. SILVA, #68223; et al.,

Defendants - Appellees.

No. 07-17296

D.C. No. CV-07-04437-WHA
Northern District of California,
San Francisco

ORDER

Before: WALLACE, LEAVY and RYMER, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the November 30, 2007 notice of appeal was not filed or delivered to prison officials within 30 days from entry of the September 17, 2007 judgment. *See* 28 U.S.C. § 2107(a); *United States v. Sadler*, 480 F.3d 932, 937 (9th Cir. 2007) (requirement of timely notice of appeal is jurisdictional). Consequently, this appeal is dismissed for lack of jurisdiction.

PROSE

INTERNAL USE ONLY: Proceedings include all events.
07-17296 Smith v. Hutton, et al

RICK P. SMITH
Plaintiff - Appellant

Rick P. Smith
T-98778
[NTC prs]
SQSP - SAN QUENTIN STATE PRISON
Inmate Mail
San Quentin, CA 94974

v.

J. SILVA, #68223
Defendant - Appellee

No appearance
No Address
Generic Address
City,

HUTTON, #70473
Defendant - Appellee

No appearance
(See above)

A. PERRY, Deputy, #71794
Defendant - Appellee

No appearance
(See above)

W. ENGELSTAD, #64889
Defendant - Appellee

No appearance
(See above)

BEHRMANN, #70587
Defendant - Appellee

No appearance
(See above)

FOREMAN, Deputy, #68550
Defendant - Appellee

No appearance
(See above)